IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.1169 of 2005
Date of decision: October 24, 2006.

Nirmal Singh & Ors.

...**Petitioner(s)**

v.

Ram Lal Sarpanch & Ors.

...**Respondent(s)**

Present: Shri Munish Garg, Advocate for the petitioners.

Shri B.R. Mahajan, Advocate for the respondents.

Surya Kant, J. (Oral)

On February 9, 2006, time was granted to the respondents to file their reply. Again, on May 26, 2006, they were given an opportunity to file reply, if any. However, no reply was filed by them. In the interest of justice, last opportunity was granted to the respondents on September 7, 2006 to file the reply subject, however, to deposit of Rs.5,000/- in the Lawyers Welfare Fund of the High Court Bar Association.

Despite the aforesaid order, neither reply has been filed nor costs have been paid. Accordingly, the defence of the respondents is struck off and no reply shall now be entertained on their behalf.

Heard Learned Counsel for the parties.

It appears that in the previous rounds of litigation, the land in question has not been held to be a *shamilat deh*, yet an attempt was made by the Gram Panchayat to auction the same for the year 2000-01. This led the

proprietors to file CWP No.5529 of 2000 in which operation of the auction notice was stayed by this Court on May 10, 2000.

Thereafter, it further appears that the land continued in possession of the proprietors for some time till it was again auctioned by the Gram Panchayat in the year 2005. Alleging that the said auction was held in a clandestine manner by the Sarpanch in violation of the earlier orders passed by this Court and the Hon'ble Supreme Court *inter-se* between the parties, this contempt petition has been filed.

It is not disputed that the subsequent auction made by the Sarpanch of the Gram Panchayat has since been held to be illegal by the District Development & Panchayat Officer, Fatehgarh Sahib and accepting his report, the Deputy Commissioner has already cancelled the said auction.

Mr. B.R. Mahajan, Learned Counsel for the respondents, however, states that CWP No.2318 of 2002 filed by the proprietors is pending in this Court and the Gram Panchayat shall not auction the subject land till the above said writ petition is decided.

In view of the above, no further action is called for.

Disposed of.

Rule discharged.

October 24, 2006. [**Surya Kant**]
kadyan **Judge**